

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING APPLICATION UNDER 37 C.F.R. 1.53(b)
WITHOUT FILING A NEW AND/OR WITHOUT EXECUTED INVENTOR'S DECLARATION

Assistant Commissioner for Patents
Washington, DC 20231

Atty. Dkt. 3926-3

Date: December 14, 2001

Sir:

This is a request for filing a new PATENT APPLICATION under Rule 53(b) entitled:

**APPARATUS AND METHOD FOR THE COMPLETE CHARACTERIZATION OF OPTICAL DEVICES
INCLUDING LOSS, BIREFRINGENCE AND DISPERSION EFFECTS**

without a filing fee and/or without an executed inventor's oath/declaration.

This application is made by the below identified inventor(s). Attached hereto are the following papers:

☐ Newly executed Declaration, ☐ Copy of Declaration from prior application, ☒ Abstract

47 pages of specification and claims (including 47 numbered claims), and

8 sheets of accompanying drawing/s.

Record the attached assignment and return to the undersigned.

Attached is a Power of Attorney.

Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

Application Number

Country

Day/Month/Year Filed

, respectively, the entire content of which is hereby incorporated by reference in this application..

Certified copy(ies) of foreign application(s) is/are attached.

Certified copy(ies) filed on _____ in prior application no. _____ filed _____

☒ Please amend the specification by inserting the following paragraph before the first line: --This application claims the benefit of Provisional Application No. 60/255,077, filed 14 December 2000, the entire content of which is hereby incorporated by reference in this application.--

☐ Please amend the specification by inserting the following paragraph before the first line: --This application is a ☐ continuation/☐ division/☐ continuation-in-part of Application No. _____, filed _____, the entire content of which is hereby incorporated by reference in this application.--

☐ Petition filed in prior application to extend its life to insure co-pendency.

☒ The prior application is assigned to Luna Technologies.

☐ It is hereby requested that the Examiner consider the art cited in the above parent application(s) by applicant and/or the Examiner for the reasons stated therein. A listing of that art is attached, but pursuant to Rule 98(d) copies are not required.

☒ Applicant claims "small entity" status. ☐ "Small entity" statement attached.

☐ Please enter the attached and/or below preliminary amendment prior to calculation of filing fee:

☒ Also attached: ☐ Information Disclosure Statement; ☒ **Non-Publication Request**; ☐ Nucleotide and/or Amino Acid Sequence Submission; ☐ Statement deleting Inventor(s) named in prior application; ☐ Other:

1. Inventor: Mark E. FROGGATT US
(first) MI (last) (citizenship)
Residence: (city) Blacksburg (state/country) Virginia
Mailing Address: 1912 Lacy Lane, Blacksburg, Virginia
(Zip Code) 24060

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NIXON & VANDERHYE P.C.
By Atty: Stanley C. Spooner, Reg. No. 27,393

Signature: _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

FROGGATT

Atty. Ref.: 3926-3

Serial No. (unassigned)

Group:

Filed: December 13, 2001

Examiner:

For: APPARATUS AND METHOD FOR THE COMPLETE
CHARACTERIZATION OF OPTICAL DEVICES INCLUDING
LOSS, BIREFRINGENCE AND DISPERSION EFFECTS

* * * * *

December 14, 2001

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

NON-PUBLICATION REQUEST

It is respectfully requested that this application **NOT** be published under 35 U.S.C.

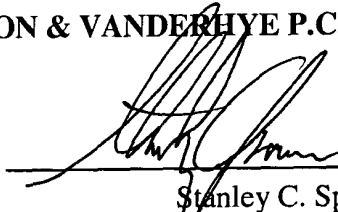
122(b).

I hereby certify that the invention disclosed in the subject application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Respectfully submitted,

NIXON & VANDERHIVE P.C.

By:


Stanley C. Spooner
Reg. No. 27,393

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